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SENATE

REPORT
101-74

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS ADJACENT TO THE BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK IN THE STATE OF COLORADO

JULY 12 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 737]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 3 strike "That the" and insert in lieu thereof, "(a) The".
2. On page 1, line 8 insert "Park" after "Proposed" and before "Additions".
3. On page 1, line 9 strike "121-80,106" through "1989" and insert in lieu thereof, "121-80,106-A and dated May 1989".
4. On page 2, line 7 insert

> (b) Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

PURPOSE OF THE MEASURE

The purpose of S. 737 is to authorize the expansion of Rocky Mountain National Park in the State of Colorado.

BACKGROUND AND NEED

Rocky Mountain National Park occupies approximately 414 square miles of the Rockies' Front Range in north central Colorado. Over 3 million people annually visit the park, which provides

S313-17

some of the most spectacular scenery and wildlife habitat in the Rocky Mountains. The park contains lush meadows, clear alpine lakes and streams and several towering mountain peaks, including Longs Peak, with an elevation of over 14,000 feet.

Development of land around the park boundary has increased steadily in recent years. In 1985, Larimer County, within which part of the park is located, approved a development plan for a proposed 500-acre subdivision adjacent to the park's eastern boundary. The development, Bald Pate Estates, would consist of approximatley 500 condominiums and single family homes, as well as a hotel and country club. The proposed development would completely encircle Lily Lake, which provides scenic views into the park as well as wetlands habitat. The development plan does not incorporate proposals by the Park Service to limit densities and provide setbacks from the park boundary. Under the provisions of the plan approved by the county commission, the developer has until 1991 to complete development of the parcel.

The Bald Pate property also provides an important elk migration route along Aspen Brook to winter range in the adjoining Roosevelt National Forest. If this migration route became blocked, the park's elk population would be limited to the winter range located within the park which is inadequate to support the herd. As evidenced by the proposed development, the area also has considerable scenic value.

The Conservation fund, a private organization, has entered into an agreement with the developer to purchase the 309-acre portion of the Bald Pate property west of State Highway 7 and donate it to the Park Service for addition to Rocky Mountain National Park. In addition, the organization is negotiating to purchase an adjoining 160-acre parcel known as the Reichardt property, also with the intention of donating this property for addition to the park.

Located within the Bald Pate property is Lily Lake. The lake is approximately 75 percent natural lake and 25 percent reservoir, with a total capacity of approximately 100 acre-feet. The current property owner is continuing with plans to develop the land on the east side of Highway 7. The Conservation Fund has agreed to purchase 28 percent of the water rights to Lily Lake, with the owner retaining the remaining 72 percent for use in the proposed development. The Committee understands that all water rights acquired by the Conservation Fund will be transferred to the Park Service upon the donation of the property.

Based on responses by the Department of the Interior to questions submitted at the hearing, the Committee understands that the developer will remain responsible for the maintenance and condition of the impoundment structure on Lily Lake and will retain a right of reasonable access for such purposes as well as for the exercise of those water rights which he will retain.

The Committee understands that the Park Service will receive less than a full fee interest in the Bald Pate lands being donated and that management and administration of the property will be restricted due to the presence of the impoundment structure and the access rights of the developer for maintenance of the structure and the exercise of his water rights. The Committee recommends the addition of this parcel, subject to the limitations, on the under-

standing that the Federal Government will assume no responsibility or liability for the operation or maintenance of the impoundment structure.

SUMMARY OF THE MEASURE

S. 737, as ordered reported, authorizes the Secretary of the Interior to acquire, by donation, purchase with donated or appropriate funds, or by exchange, three parcels of land, the Bald Pate, Reichardt and Circle C properties, for addition to Rocky Mountain National Park. Upon acquisition of the lands, the Secretary is to revise the park boundary to include such lands within the park. The Secretary of Agriculture is also directed to revise the boundary of the Roosevelt National Forest to reflect the exclusion of any parcel, or portion thereof that lies within the Forest boundary.

LEGISLATIVE HISTORY

S. 737 was introduced by Senators Wirth and Armstrong, on April 10, 1969. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 737 on May 18, 1989. A similar bill, H.R. 1606, was introduced in the House by Representative Hank Brown.

At the business meeting on June 21, 1989, the Senate Committee on Energy and Natural Resources ordered S. 737, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 21, 1989, by a majority vote of a quorum present, recommends that the Senate pass S. 737 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 1 nay, as follows:

YEAS	NAYS
Mr. Johnston	Mr. Wallop
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad*	
Mr. Heflin	
Mr. Rockefeller*	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn	
Mr. McConnell*	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 737, the Committee adopted an amendment to authorize the inclusion of a third parcel of land known as the Circle C Ranch. At the hearing on S. 737 before the Subcommittee on Public Lands, National Parks and Forests, the Park Service testified that the 40-acre parcel, which is located a short distance south of the Bald Pate and Reichardt properties, would be a valuable addition to the park. The property is located immediately north of the heavily used Longs Peak campground, and acquisition of the land would ease the current overcrowding of the area. The parcel also contains a lush meadow that provides important deer and elk winter habitat. The owner of the ranch has indicated that it would be willing to sell the property and is currently negotiating with certain conservation organizations who would then donate the property for addition to the park.

Part of the Bald Pate and Reichardt parcels are currently located within the boundary of the Roosevelt National Forest. The Committee adopted a technical amendment to clarify that if the park boundary is revised, the forest boundary is also revised to reflect the exclusion of these properties.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 737, a bill to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado. S. 737 was ordered reported by the Senate Committee on Energy and Natural Resources on June 21, 1989. Enactment of this bill is not expected to result in any significant cost to the federal government or to state or local governments.

S. 737 would permit the Secretary of the Interior to acquire additional lands for the Rocky Mountain National park. The Secretary would be authorized to acquire such lands by purchase, donation, or exchange. Based on information obtained from the National Park Service, CBO expects that approximately 500 acres of land would be donated to the agency by a nonprofit organization during fiscal year 1990. (It is possible that a portion of the land would have to be purchased; if so, purchase costs are unlikely to exceed $500,000.) Annual costs to operate and maintain the additional acreage, including payments in lieu of taxes, are not expected to be significant.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 737. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 737, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 737 is set forth below.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 26, 1989.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 737, a bill "To authorize the Secretary of the Interior to acquire lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado."

We recommend that S. 737 be enacted, if amended as suggested below.

Rocky Mountain National Park is located a mere 65 miles north of Denver, Colorado, and is one of the most popular and easily accessible national parks. Its annual visitation is approximately 3 million people. Estes Park, Colorado, a "gateway" community on the eastern boundary of the park, is growing rapidly. This growth is due, in part, to an expanding permanent population as well as to an increasing demand for second homesites. Scenic open space adjacent to the park is particularly sought for such development.

The area proposed for addition to the park by S. 737 consists of approximately 475 acres in two parcels, located a short distance south of Estes Park on Highway 7 between the highway corridor and the current park boundary. Lily Lake is located at the eastern margin of the proposed addition and would serve as a focal point for a 565-unit housing subdivision that was approved for one of the two parcels by local zoning authorities in 1985. Any development on this parcel would have the park as its principal backdrop. These

private lands, if developed, would sever traditional migration routes to winter range for deer and elk.

A major portion of the proposed addition to the park currently lies within the Roosevelt National Forest. We have been assured by Forest Service officials that they have no objection to this boundary adjustment, which partially reverses a boundary change which took place in 1926. In this regard, however, we suggest an amendment to read as follows:

> SEC. 2. Effective upon the inclusion of such lands within the boundary of the park, the boundary of the Roosevelt National Forest, Colorado, is hereby revised to exclude such lands from the national forest.

We further recommend that S. 737 be amended to permit acquisition of these lands by donation only. We understand that efforts are currently underway by private citizens to acquire these properties for donation to the National Park Service. In addition, it would be neither realistic nor honest to current or future landowners in this instance to offer hope of rapid acquisition by the Federal Government when one considers the tremendous backlog of existing lands within the National Park System previously authorized for acquisition but as yet unacquired.

Acquisition by the Federal Government of the parcel containing Lily Lake would be conditioned on the retention by the present owner of 72 percent of the water rights associated with the lake. While we would prefer to have these lands unencumbered, we have no objection to this arrangement.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

BECKY NORTON DUNLOP,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 737, as reported.

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